



Signed and Filed: March 31, 2022

A handwritten signature in black ink, appearing to read "Hannah L. Blumenstiel", is written over a horizontal line.

HANNAH L. BLUMENSTIEL  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:	)	Case No. 19-31024 HLB
	)	
RICHARD TOM,	)	Chapter 7
	)	
Debtor.	)	
	)	
MARK NG, KENDALL NG, and	)	
LORAIN WONG,	)	Adv. Proc. No. 19-3065 HLB
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
RICHARD TOM,	)	
	)	
Defendant.	)	

THIRD ORDER REGARDING DISCOVERY DISPUTE

This proceeding came before the court on March 31, 2022 for a hearing set pursuant to the court's Order Setting Hearing, issued March 21, 2022.<sup>1</sup> The hearing pertained to a discovery dispute described in correspondence submitted on March 21, 2022 by counsel for Plaintiffs Mark Ng, Kendall Ng, and Loraine Wong, pursuant to Paragraph D of the court's Practices & Procedures. Consistent with the March 21 Order, respondents Green Oasis Limited Partnership ("GOLP") and Pacific Golden Asia LLC ("PGA")

<sup>1</sup> Dkt. 69 (the "March 21 Order").

1 submitted a joint response on March 24, 2022.<sup>2</sup> Also consistent  
2 with the March 21 Order, Defendant Richard Tom submitted a  
3 response on March 25, 2022.<sup>3</sup> Appearances were as noted on the  
4 record.

5 Plaintiffs requested that the court order GOLP and PGA to  
6 designate a new witness pursuant to Rule 30(b)(6) of the Federal  
7 Rules of Civil Procedure.<sup>4</sup> Plaintiffs explain that Ms. Kenesha  
8 Fudge, whom GOLP and PGA had previously designated under Civil  
9 Rule 30(b)(6) was incapable of testifying competently,  
10 completely, and accurately due to her significant health  
11 problems. To facilitate GOLP and PGA's designation of such a  
12 witness and Plaintiffs' deposition of such witness, Plaintiffs  
13 also request an extension of the fact discovery deadline set  
14 pursuant to the court's February 8, 2022 Order.<sup>5</sup> Finally,  
15 Plaintiffs request leave to file a motion seeking sanctions  
16 against GOLP, PGA, and their counsel, Mr. Charlie Yu, for their  
17 "inappropriate designation" of Ms. Fudge as GOLP and PGA's  
18 witness under Civil Rule 30(b)(6).

19 GOLP and PGA do not deny that Ms. Fudge's testimony has been  
20 tedious, given her health issues, but they dispute (without  
21 evidence) that she has been unable to testify completely or  
22  
23

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24 <sup>2</sup> Dkt. 71.

25 <sup>3</sup> Dkt. 72.

26 <sup>4</sup> Rule 30 of the Federal Rules of Civil Procedure applies in its entirety in  
27 this adversary proceeding pursuant to Rule 7030 of the Federal Rules of  
Bankruptcy Procedure.

28 <sup>5</sup> Dkt. 44 (the "Feb. 8 Order").

1 accurately. They further contend that her designation under  
2 Civil Rule 30(b)(6) was made in good faith.

3 Based on the court's consideration of the written  
4 submissions it has received, as well as the arguments of counsel  
5 at the March 31 hearing, the court **ORDERS** as follows:

6 **1.** No later than **April 8, 2022**, GOLP and PGA shall  
7 designate a competent witness, capable of providing complete and  
8 accurate testimony on GOLP and PGA's behalf, pursuant to Civil  
9 Rule 30(b)(6).

10 **2.** GOLP and PGA shall make such witness available for  
11 deposition(s) in accordance with Civil Rule 30 no later than **May**  
12 **31, 2022**. Plaintiffs, GOLP, and PGA shall negotiate the date(s)  
13 of such deposition(s) in good faith.

14 **3.** The fact discovery deadline set forth in the Feb. 8  
15 Order is hereby **EXTENDED** through **May 31, 2022** for the purpose of  
16 completing the deposition(s) required by this order.

17 **4.** Plaintiffs' request for leave to file a motion for  
18 sanctions is hereby **DENIED** without prejudice to the renewal of  
19 such request if GOLP and/or PGA fail to comply in good faith with  
20 this order.

21 **\*\*END OF ORDER\*\***

Court Service List

[None]